



# PLANNING COMMISSION MEETING

October 08, 2024 at 7:00 PM

*Council Chambers – Town Municipal Center*

## AGENDA

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**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC PARTICIPATION**

**APPROVAL OF MINUTES**

**CONSIDER MODIFICATION TO SECTION 7.4.5 POLITICAL SIGNS**

1. Political Sign Ordinance

**CONSIDER MURAL ORDINANCE**

2. Proposed Mural Ordinance

**ANNOUNCEMENTS OR COMMENTS**

**ADJOURN**



**A Modification of the Ordinance Regulating Political Signs.**

**WHEREAS:** The placement of political signs on private property is permitted by right in the Town’s zoning ordinance; and

**WHEREAS:** All political signs must be removed within 14 days following an election; and

**WHEREAS:** Political signs are temporary in fact and limited in size to 32 square feet; and

**WHEREAS:** In the opinion of the Council, the early placement of signs should be limited to prevent the prolonged clutter caused by the multiple yard signs throughout the Town; now

**THEREFORE BE IT ORDAINED** by the Town Council of Chincoteague this 17<sup>th</sup> day of October that:

Article VII section 7.4.5 of the Zoning Ordinance of The Code of the Town of Chincoteague Virginia is hereby amended, and said section reads as follows:

Section 7.4.5 Political Campaign Signs - Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed 32 square feet in area and be located on private property. **Signs may not be placed or erected earlier than 30 days prior to the first day in which a vote may be legally cast for the subject election.** Political signs may not be placed in the sight distance triangle and shall be removed no later than 14 days after the election has occurred.

Yeas:

Nays:

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# Town of Chincoteague, Inc.

Adopted by the Town Council of Chincoteague on October 17, 2024.

By: \_\_\_\_\_

John Arthur Leonard, Mayor

ATTEST: \_\_\_\_\_

Michael T Tolbert, Town Manager

## ARTICLE VI – GENERAL PROVISION

### SECTION H . Murals

#### Sec. 6.17 Standards.

##### Sec 6.17.1 – Definition.

Mural shall mean a hand produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic generally for the purpose of decoration or artistic expression, including but not limited to, painting, fresco, or mosaic. Murals shall not be considered as signs as defined by Sec. 7.2.47.

##### Sec 6.17.2 – Mural Placement.

- a. Mural shall be allowed in all Commercial zones on structures with a current commercial use. Murals shall not be allowed on structures used as residences regardless of zone.
- b. Mural shall not be permitted on the primary façade of a structure. A primary facade is defined, for purposes of this section, as the building elevation that faces the adjacent street right-of-way and/or is the primary pedestrian entrance. A building located on a corner street shall be considered to have two (2) primary facades.
- c. Mural shall be prohibited on the backs of buildings that back onto residential districts.

##### Sec 6.17.3 - Prohibited Mural Types ( this list is not all inclusive).

- a. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic, or which interferes with the proposed operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- b. Murals that project from the wall surface, except for the minimum necessary protrusion to mount the mural to the wall or structure.
- c. Murals which contain material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic or scientific value.
- d. Murals that are directed to incite or produce imminent lawless action and are likely to incite or produce such action.
- e. Murals that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.
- f. Murals that contain a commercial message or represent a commercial product or service which can be reasonably inferred as an advertisement.

##### Sec 6.17.4 - Surface Preparation.

Sand and high-pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district or any building listed or

eligible for listing on the Local, State, or National Register of Historic Buildings. Treatments that cause damage to historic materials shall not be used, which may include painting directly onto brick or other building materials that contribute to the historic integrity of the building.

Sec. 6.17.5 - Maintenance.

- a. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Director of Public Works and incorporated into the Conditional Use Permit (CUP). A mural exhibit shall be deemed to be in a state of disrepair when twenty-five (25) percent or more of the display surface area contains peeling, fading or flaking paint or is otherwise not preserved in the way it was originally created by it by natural degradation or damage.
- b. The display surface shall be kept clean and neatly painted and free from corrosion.
- c. Any mural that is not maintained according to the maintenance schedule incorporated into the mural permit or that falls into a state of disrepair may be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the Director of Public Works, or his/her designee, all in the manner provided for in the Conditional Use Permit. Murals subject to removal shall be provided a time limit of thirty (30) days from the date of the written notice for such removal or covering. Additional time may be authorized by the Director of Public Works for good cause.

Sec. 6.17.6 - Design Standards.

- a. Murals must not contain wording of any kind. Artist signatures shall be allowed and shall be sized as appropriate to the mural's overall scale with a maximum limit two (2) square feet. Proposed size of the signature shall be included in the initial application.
- b. The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.
- c. The location and scale of the proposed mural shall enhance the commercial district and the building or structure on which it is located.
- d. The proposed mural will be well integrated with the building's wall and other elements of the property and enhance the architecture or aesthetics of a building.
- e. The proposed mural, by its design, construction, and location, will not have an adverse effect on any adjoining property or the permitted use thereof.
- f. The proposed mural shall not be detrimental to the public health, safety, or welfare.
- g. The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied or affixed. An analysis by a licensed Engineer may be appropriate in some cases and will be as required by the Building Code official.
- h. The maintenance schedule shall be reasonable for the mural and the building on which it is applied or affixed.

**Sec 6.18 Mural Permit.**

Sec. 6.18.1 – Conditional Use Permit Required

The installation of any mural shall require Conditional Use Permit issued by the Town Council with such conditions as are appropriate for each application. No permit shall be considered without written permission from the owner of the building upon which the mural is proposed.

Sec. 6.18.2 - Application Requirements.

Each application shall contain, as a minimum, the following information:

- a. Site plan showing the lot and building dimensions and indicating the proposed location of the mural.
- b. Pictures of the building elevations.
- c. A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural.
- d. A color drawing, minimum 11" X 17" of the proposed mural.
- e. A proposed maintenance schedule that includes a definite service life of the mural along with the description of required maintenance and the intervals at which maintenance is required.
- f. Specifications for any paint or coating used in the preparation of the mural. Paint and coatings shall be reviewed for appropriateness of use by the Public Works Director.
- g. Written confirmation by the mural provider/installer that no damage or negative impact will occur to the wall surface that the mural is to be applied to affixed to.
- h. Written permission from the owner of the building to which the mural is intended to be applied if applicant is not the building owner.
- i. An acknowledgement that the mural must be removed or covered if so ordered by the Town Council for failure to maintain the mural as provided herein, for reaching a state of dilapidation as described in subsection 5.c above or for violating any condition included in the original Conditional Use Permit.

Sec 6.18.3 - Mural Permit Review.

Applications for a mural conditional use permit shall be distributed to the Planning Commission for comment regarding consistency between the application and the requirements herein. The Planning Commission shall review the application and make a recommendation to the Council who shall, after the appropriate public hearing, issue or deny the Conditional Use Permit. The Planning Commission and/or Town Council may, at their discretion, include conditions not specifically listed here as appropriate for individual applications.